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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/707,134

11/21/2003

Michael Marx

MARX0103PA

1133

27256

7590

07/28/2006

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EXAMINER

GABLER, PHILIP FRANCIS

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/707,134	MARX, MICHAEL	
	Examiner	Art Unit	
	Philip Gabler	3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-23 and 25-50 is/are pending in the application.
- 4a) Of the above claim(s) 36-50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-23 and 25-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 3 and 5 are objected to because of the following informalities: the word "having" on line six of claim 3 should be removed, and the word "having" on line two of claim 5 should be "have." Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 12, 15, 17-19, 30, 33, and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Regarding claims 12 and 30, it is unclear how a flange coupled to the first body portion is also coupled to the coupler (of the second body portion). The claim is accordingly deemed indefinite.
5. Claims 15 and 33 recite a second planar member (implying the presence of a first planar member) before any positive recitation of a first planar member. The claims are accordingly deemed indefinite.
6. Claims 17-19 and 34 are deemed indefinite as being dependent on an indefinite claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 2-22 and 25-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Morghen (US Patent Number 5823588).

9. Regarding claim 3, Morghen (Figures 1-3) discloses an anchor device (10) for coupling an external device to a surface of a deck (38), said anchor device being received within an opening (through which element 40 passes) of the surface, said opening having an edge of the surface therein, said anchor device comprising: an anchor body (12, including 26, 40, 43, etc.) having a longitudinal side (Figure 2) and a lateral side (Figure 3), said anchor body positioned at least partially within said opening so that a notch (viewed as the notch formed by 16, 40 and 41) formed in the lateral side receives the edge of the surface, said anchor body comprising a coupler (22, 26) extending outward from the opening, said coupler capable of coupling to an external device. [While a specific external device is not disclosed, such a device (e.g. a hook) is inherent in the operation of the invention.]

10. Regarding claim 2, Morghen further discloses the notch comprises a generally U-shape notch (see figures).

11. Regarding claim 4, Morghen further discloses the coupler comprises a first coupler (22) and a second coupler (26).

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12. Regarding claim 5, Morghen further discloses said first coupler and said second couple have a respective first coupling hole (24) and a second coupling hole (aperture of 28) therethrough.

13. Regarding claim 6, Morghen further discloses said first and second coupling holes are coaxial.

14. Regarding claim 7, Morghen further discloses the anchor body comprises a first body portion (14, 18, etc.) and a second body portion (16, 40, etc.), said first body portion having the coupler and said second body comprising said notch.

15. Regarding claims 9 and 10, Morghen further discloses the second body portion is fixedly coupled to the first body portion (via elements 17) forming a unitary structure.

16. Regarding claim 11, Morghen further discloses the first body portion has a first planar member (14) extending parallel to said surface, said coupler extending in a direction perpendicular to said first planar member.

17. Regarding claims 13 and 14, Morghen further discloses said first body portion further comprises an extension portion (17) having a circular shape, said extension portion extending into said second body portion.

18. Regarding claim 15, Morghen further discloses said second body portion comprises a second planar member (16) coupled to said first body portion.

19. Regarding claims 17-19, Morghen further discloses the second planar member has a first length (in the longitudinal direction) greater than an opening length and a first width (in the lateral direction) greater than an opening width (the opening length and width being the equivalent, longitudinal and lateral, measures of the opening).

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20. Regarding claim 21, Morghen further discloses the second body portion comprises a channel (through which 17 passes) therethrough for receiving a fastener (17), said fastener coupling said first body portion and said second body portion.

21. Regarding claim 22, Morghen further discloses a fastener plate (41) coupled to the second body portion.

22. Regarding claims 8, 12, 16, and 20, Morghen discloses an anchor device (10) for coupling an external device to a surface of a deck (38), said anchor device being received within an opening (through which element 40 passes) of the surface, said opening having an edge of the surface therein, said anchor device comprising: an anchor body (12, including 26, 40, 43, etc.) comprising a first body portion (16, 40, etc.) and a second body portion (14, 18, etc.), said anchor body positioned at least partially within said opening so that a notch (viewed as the notch formed by 16, 40 and 41) in the first body portion receives the edge of the surface, said second body portion comprising a coupler (22, 26) extending outward from the opening, said coupler capable of coupling to an external device, the first body portion having a first planar member (16) extending parallel to said surface, said coupler extending in a direction perpendicular to said first planar member, said anchor body having a flange (20) coupled to said first planar member (via the second body portion) and said coupler, the second body portion being rotatably coupled to the first body portion (in that by removing fasteners 17, the second body portion could be rotated in increments of 90°) and having a second planar member (14) disposed parallel to the surface, coupled to the first planar member, and sized

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greater than said opening. [Note that while a specific external device is not disclosed, such a device (e.g. a hook) is inherent in the operation of the invention.]

23. Regarding claims 26 and 27, Morghen discloses an anchor device (10) for coupling an external device to a surface of a deck (38), said anchor device being received within an opening (through which element 40 passes) of the surface, said opening having an edge of the surface therein, said anchor device comprising: a first body portion (16, 40, etc.) having a longitudinal side (Figure 2) and a lateral side (Figure 3), said first body portion positioned at least partially within said opening so that a notch (viewed as the notch formed by 16, 40 and 41) formed in the lateral side receives the edge of the surface and partially positioned on said surface over said opening and a first member (16) positioned over the opening to engage a top surface of the deck; and a second body portion (14, 18, etc.), having a coupler (22, 26) extending outward from the first body portion, said coupler capable of coupling to an external device, the second body portion being rotatably coupled to the first body portion (in that by removing fasteners 17, the second body portion could be rotated in increments of 90°). [Note that while a specific external device is not disclosed, such a device (e.g. a hook) is inherent in the operation of the invention.]

24. Regarding claim 25, Morghen further discloses the notch comprises a generally U-shape notch (see figures).

25. Regarding claims 28 and 29, Morghen further discloses the second body portion is fixedly coupled to the first body portion (via elements 17) forming a unitary structure.

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26. Regarding claim 30, Morghen further discloses a flange (20) coupled to said first body member (via the second body portion) and said coupler.

27. Regarding claims 31 and 32, Morghen further discloses said first body portion further comprises an extension portion (17) having a circular shape, said extension portion extending into said second body portion.

28. Regarding claims 33 and 34, Morghen further discloses said second body portion comprises a second planar member (14) coupled to said first body portion and sized greater than said opening.

29. Regarding claim 35, Morghen further discloses the second body portion comprises a channel (through which 17 passes) therethrough for receiving a fastener (17), said fastener coupling said first body portion and said second body portion.

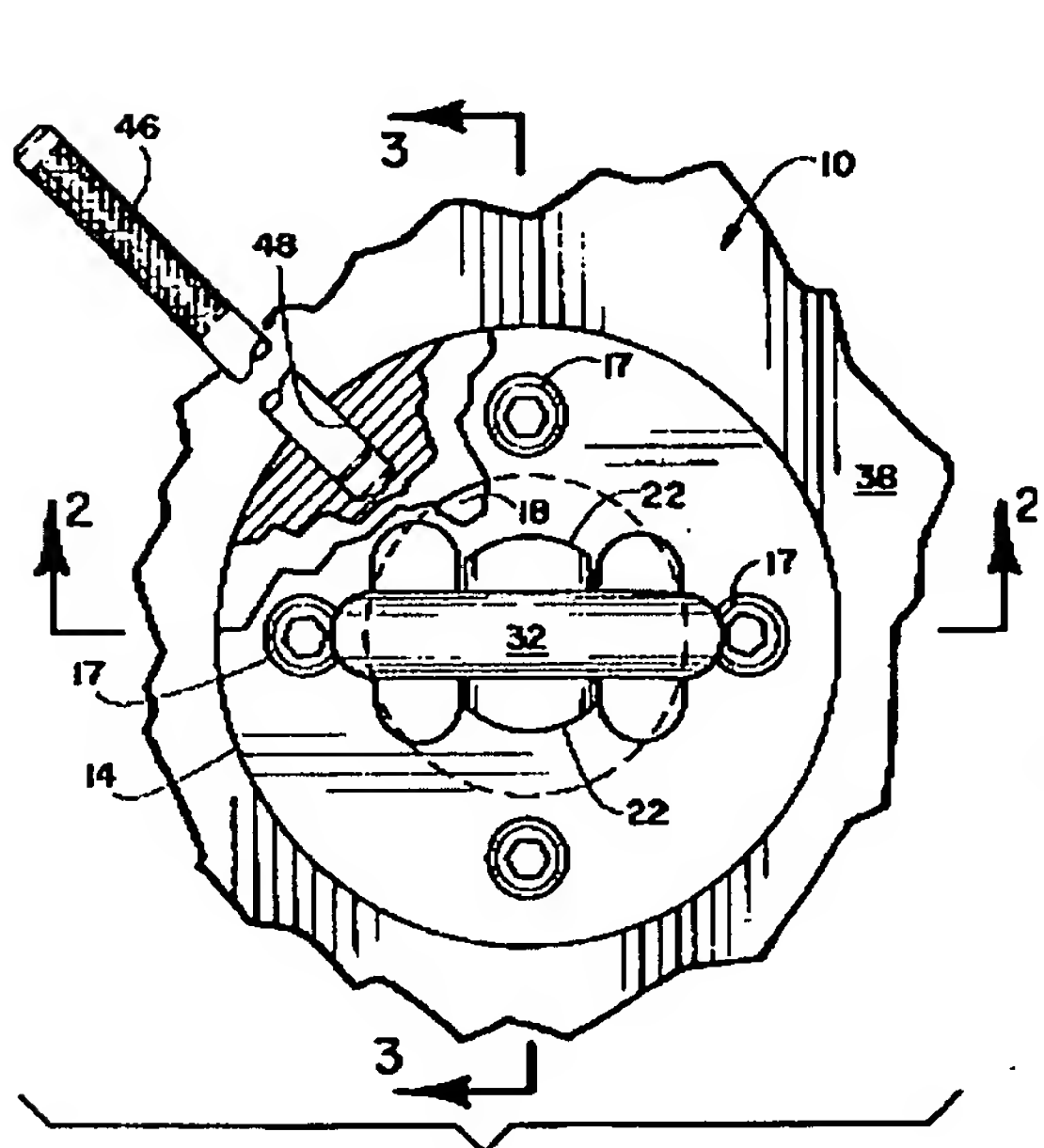


FIGURE 1

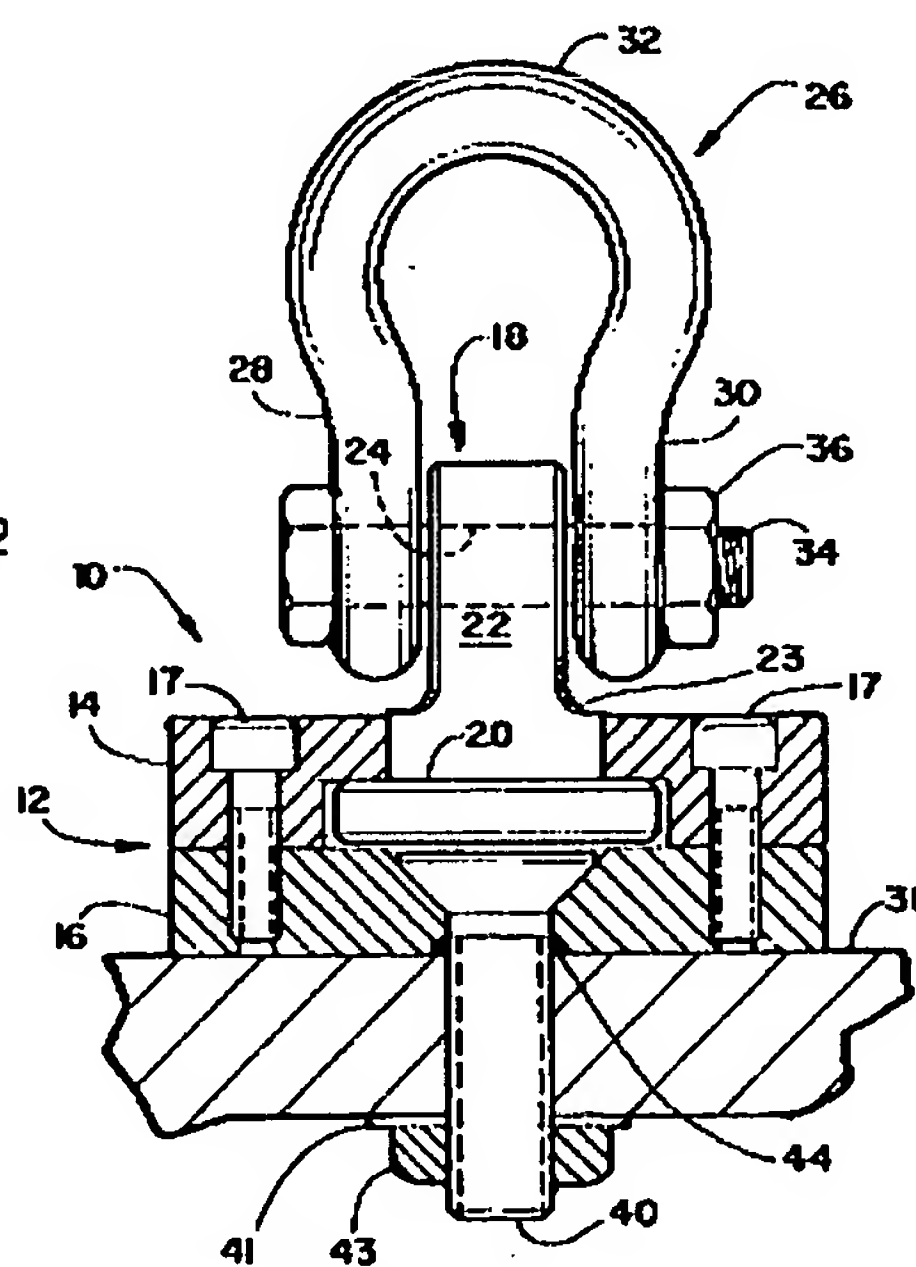


FIGURE 2

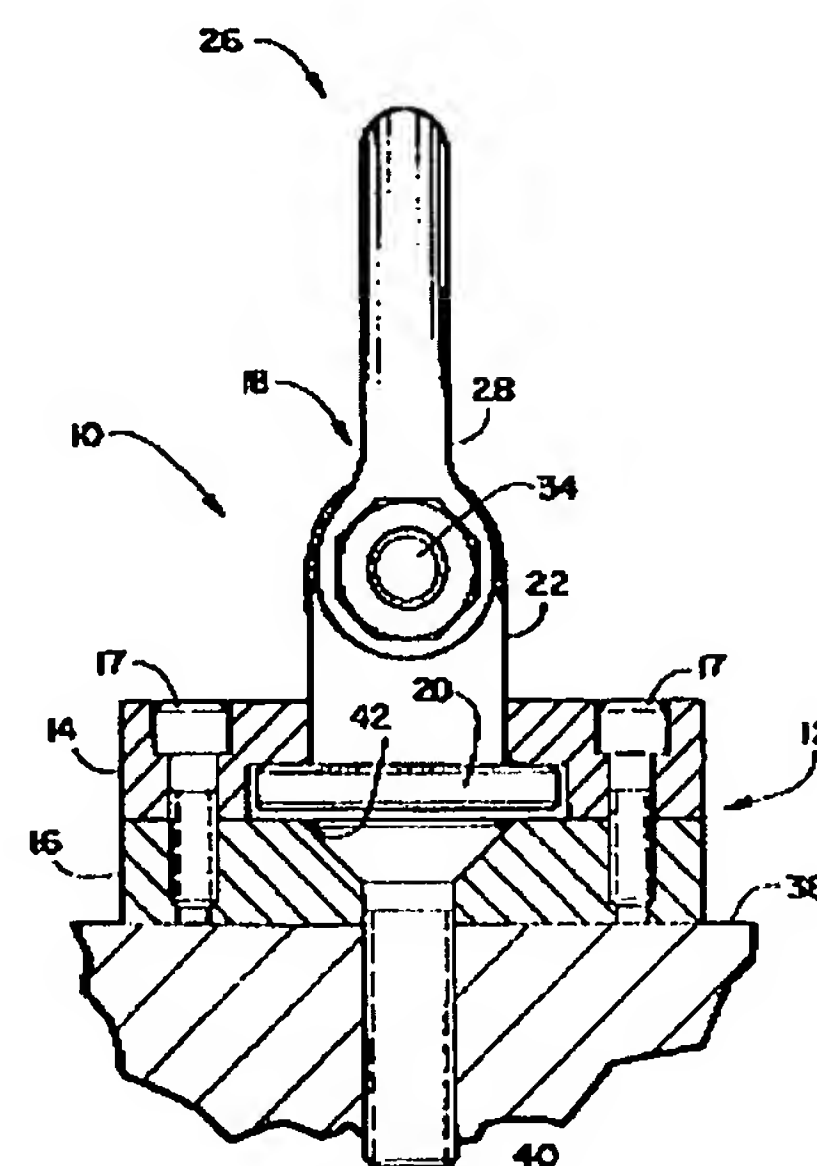


FIGURE 3

Morghen '588 Figures 1-3

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30. Claims 2-18, 20-23, and 25-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Celette (US Patent Number 4519236).

31. Regarding claim 3, Celette (Figures 1, 2, and 4) discloses an anchor device (1, 2, 5, 14, etc.) for coupling an external device to a surface of a deck (6), said anchor device being received within an opening (between elements 7 of 6) of the surface, said opening having an edge of the surface therein, said anchor device comprising: an anchor body (1, 2, 5, including 16, etc.) having a longitudinal side (on left of Figure 1) and a lateral side (side seen in Figure 2), said anchor body positioned at least partially within said opening so that a notch (viewed as the notch formed by elements 5a and 5b) formed in the lateral side receives the edge of the surface, said anchor body comprising a coupler (formed by 16 and 18) extending outward from the opening, said coupler capable of coupling to an external device (for instance a vehicle body, not shown, but described in column 3 lines 16-21).

32. Regarding claim 2, Celètte further discloses the notch comprises a generally U-shape notch (see figures).

33. Regarding claim 4, Celette further discloses the coupler comprises a first coupler (19 of 16) and a second coupler (18).

34. Regarding claim 5, Celette further discloses said first coupler and said second couple have a respective first coupling hole (in 19 for bolt 22) and a second coupling hole (in 18 for bolt 22) therethrough.

35. Regarding claim 6, Celette further discloses said first and second coupling holes are coaxial.

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36. Regarding claim 7, Celette further discloses the anchor body comprises a first body portion (1) and a second body portion (5a, 5b, etc.), said first body portion having the coupler and said second body comprising said notch.

37. Regarding claims 9 and 10, Celette further discloses the second body portion is fixedly coupled to the first body portion (via screw element 2) forming a unitary structure.

38. Regarding claim 11, Celette further discloses the first body portion has a first planar member (horizontal member of 16) extending parallel to said surface, said coupler extending in a direction perpendicular to said first planar member.

39. Regarding claims 13 and 14, Celette further discloses said first body portion further comprises an extension portion (2) having a circular shape, said extension portion extending into said second body portion.

40. Regarding claim 15, Celette further discloses said second body portion comprises a second planar member (horizontal member of 5a) coupled to said first body portion.

41. Regarding claims 17 and 18, Celette further discloses the second planar member has a first length or width (in the longitudinal direction) greater than an opening length or width (the opening length or width being the equivalent measure of the opening).

42. Regarding claim 21, Celette further discloses the second body portion comprises a channel (through which 2 passes) therethrough for receiving a fastener (2), said fastener coupling said first body portion and said second body portion.

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43. Regarding claim 22, Celette further discloses a fastener plate (11a) coupled to the second body portion.

44. Regarding claims 8, 12, 16, and 20, Celette discloses an anchor device (1, 2, 5, etc.) for coupling an external device to a surface of a deck (6), said anchor device being received within an opening (between elements 7 of 6) of the surface, said opening having an edge of the surface therein, said anchor device comprising: an anchor body (1, 2, 5, including 16, etc.) comprising a first body portion (5a, 5b, etc.) and a second body portion (1), said anchor body positioned at least partially within said opening so that a notch (viewed as the notch formed by elements 5a and 5b) in the first body portion receives the edge of the surface, said second body portion comprising a coupler (formed by 16 and 18) extending outward from the opening, said coupler capable of coupling to an external device, the first body portion having a first planar member (horizontal member of 5a) extending parallel to said surface, said coupler extending in a direction perpendicular to said first planar member, said anchor body having a flange (17) coupled to said first planar member (via element 2) and said coupler, the second body portion being rotatably coupled to the first body portion and having a second planar member (horizontal member of 16) disposed parallel to the surface, coupled to the first planar member (via element 2), and sized greater than said opening (at least in one dimension). [Note that while a specific external device is not shown, a vehicle body is described in column 3 lines 16-21 as being engaged by the coupler.]

45. Regarding claim 23, Celette discloses an anchor device (1, 2, 5, etc.) for coupling an external device to a surface of a deck (6), said anchor device being received within

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an opening (between elements 7 of 6) of the surface, said opening having an edge of the surface therein, said anchor device comprising: an anchor body (1, 2, 5, including 16, etc.) positioned at least partially within said opening so that a notch (viewed as the notch formed by elements 5a and 5b) receives the edge of the surface, said anchor body comprising a coupler (formed by 16 and 18) extending outward from the opening, said coupler capable of coupling to an external device, said coupler being trapezoidally-shaped (elements 18 and 19 both have trapezoidal shape, see Figure 4). [Note that while a specific external device is not shown, a vehicle body is described in column 3 lines 16-21 as being engaged by the coupler.]

46. Regarding claims 26 and 27, Celette discloses an anchor device (1, 2, 5, etc.) for coupling an external device to a surface of a deck (6), said anchor device being received within an opening (between elements 7 of 6) of the surface, said opening having an edge of the surface therein, said anchor device comprising: a first body portion (5a, 5b, etc.) having a longitudinal side (on left of Figure 1) and a lateral side (side seen in Figure 2), said first body portion positioned at least partially within said opening so that a notch (viewed as the notch formed by elements 5a and 5b) formed in the lateral side receives the edge of the surface and partially positioned on said surface over said opening and a first member (horizontal member of 5a) positioned over the opening to engage a top surface of the deck; and a second body portion (1), having a coupler (formed by 16 and 18) extending outward from the first body portion, said coupler capable of coupling to an external device, the second body portion being rotatably coupled to the first body portion. [Note that while a specific external device is

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not shown, a vehicle body is described in column 3 lines 16-21 as being engaged by the coupler.]

47. Regarding claim 25, Celette further discloses the notch comprises a generally U-shape notch (see figures).

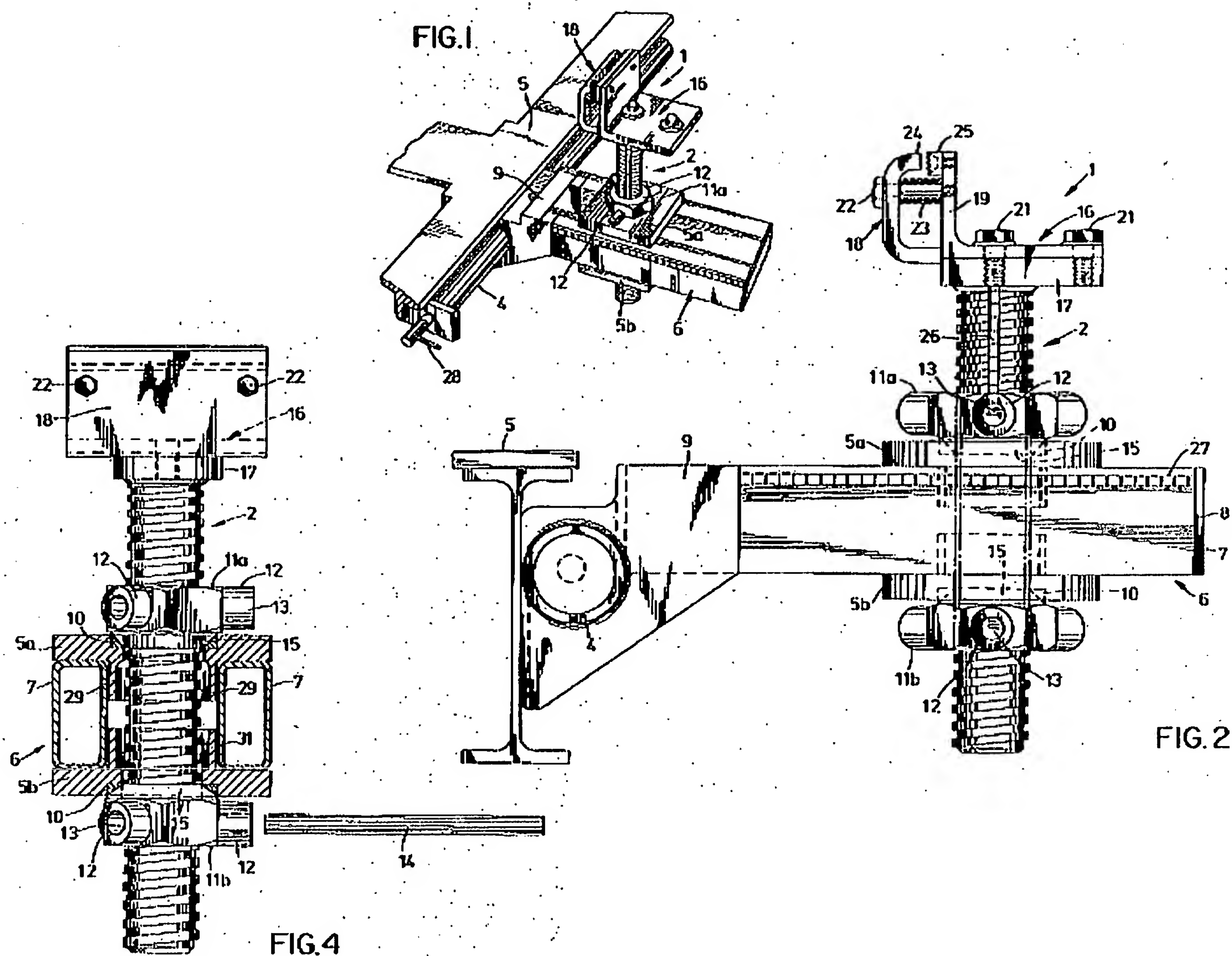
48. Regarding claims 28 and 29, Celette further discloses the second body portion is fixedly coupled to the first body portion (via screw element 2) forming a unitary structure.

49. Regarding claim 30, Celette further discloses a flange (17) coupled to said first body member (via element 2) and said coupler.

50. Regarding claims 31 and 32, Celette further discloses said first body portion further comprises an extension portion (2) having a circular shape, said extension portion extending into said second body portion.

51. Regarding claims 33 and 34, Celette further discloses said second body portion comprises a second planar member (horizontal member of 16) coupled to said first body portion (via element 2) and sized greater than said opening (at least in one dimension).

52. Regarding claim 35, Celette further discloses the second body portion comprises a channel (through which 21 passes) therethrough for receiving a fastener (21), said fastener coupling said first body portion and said second body portion (via element 2).



Celette '236 Figures 1, 2, and 4

Response to Arguments

53. Applicant's arguments, see the first page of remarks, filed 1 June 2006, with respect to the 35 USC 112 rejection of claim 30 have been fully considered and are persuasive. The 35 USC 112 rejection of claim 30 has been withdrawn. Note that new

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35 USC 112 rejections (including a rejection of claim 30) have been entered in this Office Action.

54. The remainder of Applicant's arguments with respect to the claims have been considered but are moot in view of the new grounds of rejection. The new rejections include rejections of claims previously held allowable after a new search and more thorough review of the art was performed.

Conclusion


55. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Andersson (US Patent Number 4959991), Dingman (US Patent Number 4748842), and Seidel (US Patent Number 4699410) references are cited for disclosing various aspects of the invention of the instant application.

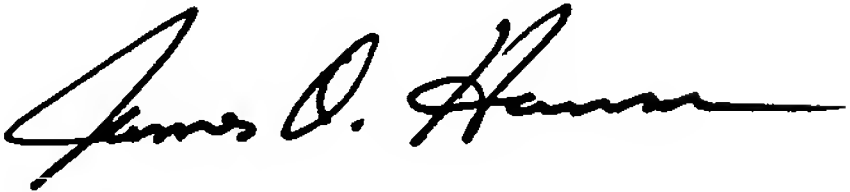
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Gabler whose telephone number is (571) 272-6038. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PFG 
7/21/2006


JAMES O. HANSEN
PRIMARY EXAMINER